

Panaji, 27th June, 1996 (Ashada 6, 1918)

SERIES I No. 13

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Labour Department

Notification

26-2-96-LAB

The following draft amendment which the Government of Goa proposes to make to the Goa, Daman and Diu Factories Rules, 1985, is hereby pre-published as required by section 115 of the Factories Act, 1948 (Central Act 63 of 1948), for information of the persons likely to be affected thereby, and notice is hereby given that the said draft amendment will be taken into consideration by the Government of Goa on the expiry of three months from the date of publication of this Notification in the official Gazette.

Any objections or suggestions to the said draft amendment may be forwarded to the Secretary to the Government of Goa, Labour Department, Secretariat, Panaji, before the expiry of three months from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act 63 of 1948), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to amend the Goa, Daman and Diu Factories Rules, 1985, namely:-

1. *Short title and commencement.* - (1) These rules may be called the Goa Factories (Seventh Amendment) Rules, 1996.

(2) They shall come into force at once.

2. *Amendment of Rule 11.* - In Rule 11 of the Goa, Daman and Diu Factories Rules, 1985 (hereinafter called the principal Rules) in clause (iii) of sub-rule (2) for the words "ten rupees", the words "fifty rupees" shall be substituted.

3. *Amendment of Rule 12.* - In rule 12 of the principal Rules, for sub-rules (1) and (2), the following shall be substituted, namely:-

"(1) Where a licence granted under these rules is lost or misplaced, a duplicate thereof may be granted on payment

of a fee of rupees twenty five and after submitting an affidavit by the occupier stating that the original licence in Form 4 is lost or misplaced.

(2) The Chief Inspector may require a licensee to obtain a duplicate licence on payment of rupees twenty five, if the original licence is defaced or spoiled."

4. *Amendment of rule 23.* - In rule 23 of the principal Rules.-

(i) in sub-rule (2), for the words "Public Health Authorities" the words, "Goa State Pollution Control Board" shall be substituted.

(ii) after sub-rule (2), the following shall be inserted, namely:-

"(3) Where, in the opinion of the State Government, operation of effluent treatment plant installed in a factory requires effective supervision from a qualified technical person, the occupier shall, if so required by the State Government, by Notification in the Official Gazette, employ such number of technically qualified persons as may be specified in that notification.

(4) No person shall be appointed as technically qualified person to supervise the functioning of the effluent treatment plant for the purpose of these rules, unless he possesses at least Post Graduate Diploma in Environmental Pollution Control Technology awarded by any recognised University."

6. *Amendment of rule 95.* - In sub-rule (1) of rule 95 of the principal Rules after clause (b), the following shall be inserted, namely:-

"(c) no person shall be appointed as Medical Officer incharge of ambulance room, unless he possesses a Diploma in Occupation and Industrial Health offered by any recognised University."

7. *Amendment of rule 131.* - In sub-rule (3) of rule 131 of the principal Rules, for clause (a), the following shall be substituted, namely:-

"(a) For the medical examinations of workers to be carried out by the certifying Surgeon as required by the Schedules annexed to this rule, the Occupier of the factory shall pay

fees at such rates as may be notified by the Government from time to time for examination of each worker."

By order and in the name of the Governor of Goa.

J. M. de Almeida, Jt. Secretary (Labour).

Panaji, 5th June, 1996.

—◆◆—
Department of Law & Judiciary
(Legal Affairs Division)

—
Notification

10-5-96/LA-Vol.I

The Building and other Construction Workers' Welfare Cess Second Ordinance, 1996 (Ordinance No. 16 of 1996) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, section 1, dated 27th March, 1996 is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 16th May, 1996.

—
MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 27th March, 1996/Chaitra 7, 1918 (Saka)

THE BUILDING AND OTHER CONSTRUCTION WORKERS' WELFARE CESS SECOND ORDINANCE -1996.

No. 16 of 1996

Promulgated by the President in the Forty-seventh Year of the Republic of India.

An Ordinance to provide for the levy and collection of a cess on the cost of construction incurred by employers with a view to augmenting the resources of the Building and Other Construction Workers' Welfare Boards constituted under the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Second Ordinance, 1996.

Whereas the Building and other Construction Workers' Welfare Cess Ordinance, 1995, was promulgated by the President on the 3rd day of November, 1995;

And Whereas the Building and Other Construction Workers' Welfare Cess Bill, 1995 was introduced in the House of the People to replace the said Ordinance, but has not been passed;

And Whereas, to give effect to the provisions of the said Bill with certain modifications, the Building and other Construction

Workers' Welfare Cess Ordinance, 1996 was promulgated by the President on the 5th day of January, 1996;

And Whereas the Bill to replace the said Building and Other Construction Workers' Welfare Cess Ordinance, 1996 has not yet been passed;

And Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provisions of the said Ordinance.

Now, Therefore, in exercise of powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Building and other Construction Workers' Welfare Cess Second Ordinance, 1996.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 3rd day of November, 1995.

2. *Definitions.*— In this Ordinance, unless the context otherwise requires,—

(a) "Board" means a Building and Other Construction Workers' Welfare Board constituted by a State Government under sub-section (1) of section 18 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Ordinance, 1996;

(b) "Fund" means the Building and Other Construction Workers' Welfare Fund constituted by a Board;

(c) "prescribed" means prescribed by rules made under this Ordinance;

(d) words and expressions used herein but not defined and defined in the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Second Ordinance, 1996 shall have the meanings respectively assigned to them in that Ordinance.

3. *Levy and collection of cess.*— (1) There shall be levied and collected a cess for the purpose of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Second Ordinance, 1996, at such rate not exceeding one per cent. of the cost of construction incurred by an employer, as the Central Government may, by notification in the Official Gazette, from time to time, specify.

(2) The cess levied under sub-section (1) shall be collected from every employer in such manner and at such time, including deduction at source in relation to a building or other construction work of a Government or of a public sector undertaking or advance collection through a local authority where an approval of such building or other construction work by such local authority is required, as may be prescribed.

(3) The proceeds of the cess levied under sub-section (1) shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, pay to the Boards from time to time out of such proceeds such sum of money as it may think fit for being utilized for the purposes of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Second Ordinance, 1996, and to the State Governments such sum of money, not exceeding one per cent, of the amount collected, towards the cost of collection of such cess.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), the cess leviable under this Ordinance including payment of cess in advance may, subject to final assessment to be made, be collected at a uniform rate or rates as may be prescribed on the basis of the quantum of the building or other construction work involved.

4. *Furnishing returns.*— (1) Every employer shall furnish such return, to such officer or authority, in such manner and at such time as may be prescribed.

(2) If any person carrying on the building or other construction work, liable to pay the cess under section 3, fails to furnish any return under sub-section (1), the officer or the authority shall give a notice requiring such person to furnish such return before such date as may be specified in the notice.

5. *Assessment of cess.*— (1) The officer or the authority to whom or to which the return has been furnished under section 4 shall, after making or causing to be made such inquiry as he or it thinks fit and after satisfying himself or itself that the particulars stated in the return are correct, by order, assess the amount of cess payable by the employer.

(2) If the return has not been furnished to officer or authority under sub-section (2) of section 4, he or it shall, after making or causing to be made such inquiry as he or it thinks fit, by order, assess the amount of cess payable by the employer.

(3) An order of assessment made under sub-section (1) or sub-section (2) shall specify the date within which the cess shall be paid by the employer.

6. *Power to exempt.*— Notwithstanding anything contained in this Ordinance, if the Central Government is satisfied that it is necessary or expedient so to do in the public interest, it may, by notification in the Official Gazette and subject to such conditions, if any, as may be specified therein, exempt any employer or class of employers from the payment of the cess payable under this ordinance for such building or other construction work as may be specified in such notification.

7. *Power of entry.*— Any officer or authority, of the State Government specially empowered in this behalf by that Government may—

(a) with such assistance, if any, as he or it may think fit, enter at any reasonable time any place where he or it considers it necessary to enter for carrying out the purposes

of this Ordinance including verification of the correctness of any particulars furnished by any employer under section 4;

(b) do within such place anything necessary for the proper discharge of his or its duties under this Ordinance; and

(c) exercise such other powers as may be prescribed.

8. *Interest payable on delay in payment of cess.*— If any employer fails to pay any amount of cess payable under section 3 within the time specified in the order of assessment, such employer shall be liable to pay interest on the amount to be paid at the rate of two per cent. for every month or part of a month comprised in the period from the date on which such payment is due till such amount is actually paid.

9. *Penalty for nonpayment of cess within the specified time.*— If any amount of cess payable by any employer under section 3 is not paid within the date specified in the order of assessment made under section 5, it shall be deemed to be in arrears and the authority prescribed in this behalf may, after such inquiry as it deems fit, impose on such employer, a penalty not exceeding the amount of cess:

Provided that before imposing any such penalty, such employer shall be given a reasonable opportunity of being heard and if after such hearing the said authority is satisfied that the default was for any good and sufficient reason, no penalty, shall be imposed under this section.

10. *Recovery of amount due under the Ordinance.*— Any amount due under this Ordinance (including any interest or penalty) from an employer may be recovered in the same manner as an arrear of land revenue.

11. *Appeals.*— (1) Any employer aggrieved by an order of assessment made under section 5 or by an order imposing penalty made under section 9 may, within such time as may be prescribed, appeal to such appellate authority in such form and in such manner as may be prescribed.

(2) Every appeal preferred under sub-section (1) shall be accompanied by such fees as may be prescribed.

(3) After the receipt of any appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

(4) Every order passed in appeal under this section shall be final and shall not be called in question in any court of law.

12. *Penalty.*— (1) Whoever, being under an obligation to furnish a return under this Ordinance, furnishes any return knowing, or having reason to believe, the same to be false shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) Whoever, being liable to pay cess under this Ordinance, willfully or intentionally evades or attempts to evade the payment of such cess shall be punishable with imprisonment which may extend to six months or, with fine or with both.

(3) No court shall take cognizance of an offence punishable under this section save on a complaint made by or under the authority of the Central Government.

13. *Offences by companies.*— (1) Where an offence under this Ordinance has been committed by a company, every person who, at the time the offence was committed was in charge, of and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purpose of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

14. *Power to make rules.*— (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which and the time within which the cess shall be collected under sub-section (2) of section 3;

(b) the rate or rates of advance cess leviable under sub-section (4) of section 3;

(c) the particulars of the returns to be furnished, the officer or authority to whom or to which such returns shall be furnished and the manner and time of furnishing such returns under sub-section (1) of section 4;

(d) the powers which may be exercised by the officer or authority under section 7;

(e) the authority which may impose penalty under section 9;

(f) the authority to which an appeal may be filed under sub-section (1) of section 11 and the time within which and the form and manner in which such appeal may be filed;

(g) the fees which shall accompany an appeal under sub-section (2) of section 11; and

(h) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

15. *Repeal and saving.*— (1) The Building and other Construction Workers' Welfare Cess Ordinance, 1996, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Ordinance.

SHANKER DAYAL SHARMA,
President.

K.L. MOHANPURIA,
Secy. to the Govt. of India.

Notification

10-5-96/LA-Vol. I

The Supreme Court and High Court Judges (Conditions of Service) Amendment Second Ordinance, 1996 (Ordinance No. 18 of 1996) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, part II, Section I, dated 27th March, 1996 is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 16th May, 1996.

**MINISTRY OF LAW, JUSTICE AND COMPANY
AFFAIRS**

(Legislative Department)

New Delhi, the 27th March, 1996/Chaitra 7, 1918 (Saka)

**THE SUPREME COURT AND HIGH COURT JUDGES
(CONDITIONS OF SERVICE) AMENDMENT
SECOND ORDINANCE, 1996**

(No. 18 of 1996)

Promulgated by the President in the Forty-seventh Year of the Republic of India.

An Ordinance further to amend the Supreme Court Judges (Conditions of Service) Act, 1958 and the High Court Judges (Conditions of Service) Act, 1954.

Whereas the Supreme Court and High Court Judges (Conditions of Service) Amendment Ordinance, 1996 to provide for the aforesaid matter was promulgated by the President on the 11th day of January, 1996.

And Whereas the Supreme Court and High Court Judges (Conditions of Service) Amendment Bill, 1996 was introduced in the House of the People to replace the said Ordinance, but has not been passed;

And Whereas Parliament is not session and the President is satisfied that the circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I**PRELIMINARY**

1. *Short title and commencement.*— (1) This Ordinance may be called the Supreme Court and High Court Judges (Conditions of Service) Amendment Second Ordinance, 1996.

(2) It shall be deemed to have come into force on the 11th day of January, 1996.

CHAPTER II**AMENDMENT OF THE SUPREME COURT JUDGES
(CONDITIONS OF SERVICE) ACT, 1958**

2. *Amendment of section 23A.*— In section 23A of the Supreme Court Judges (Conditions of Service) Act, 1958 (hereinafter referred to as the ~~Supreme Court Judges Act~~), for the words “one hundred and fifty litres of petrol every month or the actual consumption of petrol”, the words “two hundred litres of fuel every month or the actual consumption of fuel” shall be substituted. 41 of 1958.

3. *Amendment of section 23B.*— In section 23B of the Supreme Court Judges Act, for the words “one thousand two hundred and fifty”, and “seven hundred and fifty”, the words “four thousand” and “three thousand” shall respectively be substituted.

CHAPTER III**AMENDMENT OF THE HIGH COURT JUDGES (CONDITIONS
OF SERVICE) ACT, 1954**

4. *Amendment of section 22B.*— In section 22B of the High Court Judges (Conditions of Service) Act, 1954 (hereinafter referred to as the High Court Judges Act), for the words “one hundred and fifty litres of petrol every month or the actual consumption of petrol”, the words “two hundred litres of fuel every month or the actual consumption of fuel” shall be substituted. 28 of 1954.

5. *Amendment of section 22C.*— In section 22C of the High Court Judges Act, for the words “five hundred” and “three hundred”, the words “three thousand” and “two thousand” shall respectively be substituted.

6. *Repeal and Saving.*— (1) The Supreme Court and High Court Judges (Conditions of Service) Amendment Ordinance, 1996, is hereby repealed. Ord. 7 of 1996.

(2) Notwithstanding such repeal, anything done or any action taken under the Supreme Court Judges Act and the High Court Judges Act, as amended by the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of the respective Act aforesaid as amended by this Ordinance.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India,

Notification

10-5-96/LA-Vol. I

The Employees's Provident Funds and Miscellaneous Provisions (Amendment) Second Ordinance, 1996 (Ordinance No. 14 of 1996) which has been promulgated by the President of India and published in Gazette of India, Extraordinary, Part II, section 1, dated 27th March, 1996, is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 16th May, 1996.

**MINISTRY OF LAW, JUSTICE AND COMPANY
AFFAIRS**

(Legislative Department)

New Delhi, the 27th March, 1996/Chaitra 7, 1918 (Saka)

**THE EMPLOYEES' PROVIDENT FUNDS AND
MISCELLANEOUS PROVISIONS
(AMENDMENT) SECOND ORDINANCE, 1996**

No. 14 of 1996

*Promulgated by the President in the Forty-seventh Year of the
Republic of India.*

*An Ordinance further to amend the Employee's Provident
Funds and Miscellaneous Provisions Act, 1952.*

Whereas the Employee's Provident Funds and Miscellaneous
Provisions (Amendment) Bill, 1993 was introduced in Parliament;

And Whereas the Employees' Provident Funds and
Miscellaneous Provisions (Amendment) Ordinance, 1995, to
give effect to the provisions of the said Bill with certain
modifications was promulgated by the President on the 17th day
of October, 1995;

And Whereas the said Bill has not been passed;

And Whereas the Employees' Provident Funds and
Miscellaneous Provisions (Amendment) Ordinance, 1996 has
been promulgated by the President on the 5th day of January, 1996
to give continued effect to the provisions of the said Ordinance;

And Whereas the Employees' Provident Funds and
Miscellaneous Provisions (Amendment) Bill, 1993 for replacing
the Employees' Provident Funds and Miscellaneous Provisions
(Amendment) Ordinance, 1996 has not yet been passed;

And Whereas Parliament is not in session and the President is
satisfied that circumstances exist which render it necessary for
him to take immediate action to give further continued effect to the
provisions of the said Ordinance;

Now, Therefore, in exercise of the powers conferred by clause
(1) of article 123 of the Constitution, the President is pleased to
promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be
called the Employees' Provident Funds and Miscellaneous
Provisions (Amendment) Second Ordinance, 1996.

(2) It shall be deemed to have come into force on the 16th day
of November, 1995.

2. Amendment of long title.— In the long title to the
Employees' Provident Funds and Miscellaneous
Provisions Act, 1952 (hereinafter referred to as the principal Act), for the words "family pension fund",
the words "pension fund" shall be substituted.

3. Amendment of section 2.— In section 2 of the principal Act,—

(a) Clauses (gg) and (ggg) shall be omitted;

(b) after clause (k), the following clauses shall be inserted,
namely:—

'(kA) "pension Fund" means the Employees' Pension
Fund established under sub-section (2) of section 6A;

(kB) "Pension Scheme" means the Employees' Pension
Scheme framed under sub-section (1) of section 6A;

(c) after clause (l), the following clause shall be inserted,
namely:—

'(II) "superannuation", in relation to an employee who is the
member of the Pension Scheme, means the attainment, by the
said employee, of the age of fifty-eight years;

**4. Substitution of the word "Pension" for the words "Family
Pension".**— In the principal Act, for the words "Family Pension",
where they occur, the word "Pension" shall be substituted.

5. Substitution of a new section for sections 6A and 6B.— For
sections 6A and 6B of the principal Act, the following section
shall be substituted, namely:—

"6A. Employees' Pension Scheme.— (1) The Central
Government may, by notification in the Official Gazette, frame
a scheme to be called the Employees' Pension Scheme for the
purpose of providing for—

(a) Superannuation pension, retiring pension or
permanent total disablement pension to the employees of
any establishment or class of establishments to which this
Act applies; and

(b) widow or widower's pension, children pension or
orphan pension payable to the beneficiaries of such
employees.

(2) Notwithstanding anything contained in section 6, there
shall be established, as soon as may be after framing of the Pension
Scheme, a Pension Fund into which there shall be paid, from time
to time, in respect of every employee who is a member of the
Pension Scheme,—

(a) Such sums from the employer's contribution under
section 6, not exceeding eight and one-third percent. of the
basic wages, dearness allowance and retaining allowance,
if any, of the concerned employees, as may be specified in
the Pension Scheme.

(b) such sums as are payable by the employers
of exempted establishment under sub-section (6) of
section 17;

(c) the net assets of the Employees' Family Pension Fund
as on the date of the establishment of the Pension Fund;

(d) such sums as the Central Government may, after due appropriation by Parliament by law in this behalf, specify.

(3) On the establishment of the Pension Fund, the Family Pension Scheme (hereinafter referred to as the ceased scheme) shall cease to operate and all assets of the ceased scheme shall vest in and shall stand transferred to, and all liabilities under the ceased scheme shall be enforceable against, the Pension Fund and the beneficiaries under the ceased scheme shall be entitled to draw the benefits, not less than the benefits, they were entitled to under the ceased scheme, from the Pension Fund.

(4) The Pension fund shall vest in and be administered by the Central Board in such manner as may be specified in the Pension Scheme.

(5) Subject to the Provisions of this Act, the Pension Scheme may provide for all or any of the matters specified in Schedule III.

(6) The Pension Scheme may provide that all or any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in that behalf in that Scheme.

(7) A Pension Scheme framed under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the Scheme or both houses agree that the Scheme should not be made, the Scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Scheme.”

6. *Amendment of section 6C.*— In section 6C of the principal Act,—

(a) clause (3) shall be omitted;

(b) clause (b) of sub-section (4) shall be omitted.

7. *Amendment of section 17.*— In section 17 of the principal Act,—

(a) for sub-section (1C), the following sub-section shall be substituted, namely:—

“(1C) The appropriate Government may, by notification in the Official Gazette, and subject to the condition on the pattern of investment of pension fund and such other conditions as may be specified therein, exempt any establishment or class of establishments from the operation of the Pension Scheme if the employees of such establishment or class of establishments are either members of any other pension scheme or proposes to be members of such pension scheme, where the pensionary benefits are at par or more favourable than the Pension Scheme under this Act.”;

(b) in sub-section (6), the words as well “as the employees’ contribution” shall be omitted.

8. *Substitution of the new Schedule for Schedule III.*— For Schedule III to the principal Act, the following Schedule shall be substituted, namely:—

“SCHEDULE III [See section 6A(5)]

Matters for which Provision may be made in the Pension Scheme

1. The employees or class of employees to whom the Pension Scheme shall apply.

2. The time within which the employees who are not members of the Family Pension Scheme under section 6A as it stood before the commencement of the Employees’ Provident Funds and Miscellaneous Provisions (Amendment) Second Ordinance, 1996 (hereinafter, in this schedule, referred to as the amending Ordinance) shall opt for the Pension Scheme.

3. The portion of employers’ contribution to the Provident Fund which shall be credited to the Pension Fund and the manner in which it is credited.

4. The minimum qualifying service for being eligible for pension and the manner in which the employees may be granted the benefits of their past service under section 6A as it stood before the commencement of the amending Ordinance.

5. The regulation of the period of service for which no contribution is received.

6. The manner in which employees’ interest will be protected against default in payment of contribution by the employer.

7. The manner in which the accounts of the Pension Fund shall be kept and investment of moneys belonging to Pension Fund to be made subject to such pattern of investment as may be determined by the Central Government.

8. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.

9. The forms, registers and records to be maintained in respect of employees, required for the administration of the Pension Scheme.

10. The scale of pension and pensionary benefits and the conditions relating to grant of such benefits to the employees.

11. The manner in which the exempted establishments have to pay contribution towards the Pension Scheme and the submission of returns relating thereto.

SERIES I: NO. 13

12. The mode of disbursement of pension and arrangements to be entered into with such disbursing agencies as may be specified for the purpose.

13. The manner in which the expenses for administering the Pension Scheme will be met from the income of the Pension Fund.

14. Any other matter which is to be provided for in the Pension Scheme or which may be necessary or proper for the purpose of implementation of the Pension Scheme.”

9. *Repeal and saving.* (1).— the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1996 is hereby repealed.

Ord. 2 of
1996.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.